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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,982	11/30/2000	E. Michael Lunsford	3COM-2908.WHD.US.P	6294

7590 08/26/2004

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EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/727,982		LUNSFORD ET AL.	
	Examiner		Art Unit	
	David Lazaro		2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the amendment filed 06/14/2004.
2. Claims 2 and 7 were amended.
3. Claims 1-16 are pending in this Office Action.
4. The objections to Claims 2 and 7 are withdrawn.

Claim Objections

5. Claim 16 is objected to because of the following informalities: The contents of Claim 1 seem to have been accidentally inserted into the body of Claim 16. The examiner will ignore this accidental insertion in regards to the rejection presented. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1-7 and 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over "BLUETOOTH – The universal radio interface for ad hoc, wireless connectivity" Erricsson Review No. 3, 1998, by Haartsen (Haartsen) in view of U.S. Patent 6,421,716 by Eldridge et al. (Eldridge).
8. With respect to Claim 1, Haartsen teaches that Bluetooth technology provides for wireless communication for selective transmission of data among a group of mobile computing devices (Page 110, See Abstract), comprising: a) broadcasting a query to

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determine a group of mobile computing devices within communications range (Page 115, Section 'Establishing connection', specifically last paragraph). Haartsen further teaches the data can be transferred between two or more mobile computing devices (Page 114, first paragraph under 'Piconets', also see Page 112, Box C, third user scenario on left). While an interface is implied, Haartsen does not explicitly disclose an interface to present a list of the mobile computing devices in communications range such that one can be selected. Haartsen also does not explicitly disclose presenting a confirmation of the data transfer. Eldridge teaches presenting a user a list of computing devices within communications range on an interface (Col. 7 lines 12-23 and Col. 11 lines 28-40) such that one can be selected by the user (Col. 7 lines 40-47). Eldridge further teaches a confirmation of a requested action can be presented to the user (Col. 12 lines 25-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Haartsen and modify it as indicated by Eldridge such that the method further comprises presenting a list of mobile computing devices determined in step a) to a user on an interface; b) selecting at least one of the mobile computing devices from the list from step b) for a data transfer, the selecting performed by a user; d) performing the data transfer to the at least one mobile computing device from step c); and e) presenting a confirmation of the data transfer to the user. One would be motivated to have this interface as it allows for faster and easier access to devices that are within communications range (Col. 2 lines 25-29).

9. With respect to Claim 2, Haartsen in view of Eldridge teaches all the limitations of Claim 1 and further teaches at least one of the mobile computing devices is a PID (personal information device) (Page 110, 2nd paragraph of abstract).
10. With respect to Claim 3, Haartsen in view of Eldridge teaches all the limitations of Claim 1 and further teaches at least one of mobile computing device is a cellular phone (Page 110, 2nd paragraph of abstract).
11. With respect to Claim 4, Haartsen in view of Eldridge teaches all the limitations of Claim 1 and further teaches broadcasting the query and the data transfer are performed using an RF communications link (Page 110, 1st paragraph of abstract, also see Page 112, "The Bluetooth air interface").
12. With respect to Claim 5, Haartsen in view of Eldridge teaches all the limitations of Claim 4 and further teaches the RF communications link is compatible with a version of the Bluetooth specification (Page 112, "The Bluetooth air interface").
13. With respect to Claim 6, Haartsen in view of Eldridge teaches all the limitations of Claim 1 and further teaches selecting a plurality of the mobile computing devices from the list (Col. 7 lines 12-23 and Col. 11 lines 28-40) from step b) for the data transfer; and performing the data transfer to the plurality of mobile computing devices (Page 114, 2nd paragraph starting with "ACL links support symmetrical...").
14. With respect to Claim 7, Haartsen in view of Eldridge teaches all the limitations of Claim 6 and further teaches the step of presenting a confirmation of the data transfer to the plurality of mobile computing devices of the user (Col. 12 lines 25-27).

15. With respect to Claim 9, Haartsen teaches a wireless communication system for selective transmission of data among a group of mobile computing devices (Page 110, See Abstract) comprising: a first mobile computing device configured to broadcast a query to determine a group of mobile computing devices within communications range (Page 114, 1st Paragraph under 'Piconets' and Page 115, Section 'Establishing connection', specifically last paragraph); and a display built into the first mobile computing device configured to present a GUI to the user (Page 110, 2nd Paragraph of Abstract). While a GUI to manage the transmission of data is implied by Haartsen, Haartsen does not explicitly disclose a GUI configured to present a list of the mobile computing devices in communications range such that one can be selected. Haartsen also does not explicitly disclose presenting a confirmation of the data transfer. Eldridge teaches presenting a user a list of computing devices within communications range on an interface (Col. 7 lines 12-23 and Col. 11 lines 28-40) such that one can be selected by the user (Col. 7 lines 40-47). Eldridge further teaches a confirmation of a requested action can be presented to the user (Col. 12 lines 25-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Haartsen and modify it as indicated by Eldridge such that the method further comprises the GUI configured to present a list of mobile computing device within communications range, the GUI further configured for selecting at least one of the mobile computing devices from the list for a data transfer and configured for present confirmation of the data transfer indicating a status of the data transfer. One would be

motivated to have this interface as it allows for faster and easier access to devices that are within communications range (Col. 2 lines 25-29).

16. With respect to Claim 10, Haartsen in view of Eldridge teaches all the limitations of Claim 9 and further teaches at least one of mobile computing device is a PID (personal information device) (Page 110, 2nd paragraph of abstract).

17. With respect to Claim 11, Haartsen in view of Eldridge teaches all the limitations of Claim 9 and further teaches at least one of mobile computing device is a cellular phone (Page 110, 2nd paragraph of abstract).

18. With respect to Claim 12, Haartsen in view of Eldridge teaches all the limitations of Claim 9 and further teaches broadcasting the query and the data transfer are performed using an RF communications link (Page 110, 1st paragraph of abstract, also see Page 112, "The Bluetooth air interface").

19. With respect to Claim 13, Haartsen in view of Eldridge teaches all the limitations of Claim 12 and further teaches the RF communications link is compatible with a version of the Bluetooth specification (Page 112, "The Bluetooth air interface").

20. With respect to Claim 14, Haartsen in view of Eldridge teaches all the limitations of Claim 9 and further teaches the first mobile computing device is configured to select a plurality of the mobile computing devices from the list (Col. 7 lines 12-23 and Col. 11 lines 28-40) for the data transfer and perform the data transfer to the plurality of mobile computing devices (Page 114, 2nd paragraph starting with "ACL links support symmetrical...").

21. With respect to Claim 15, Haartsen in view of Eldridge teaches all the limitations of Claim 14 and further teaches the first mobile computing device is configured to present a confirmation of the data transfer to the plurality of mobile computing devices (Col. 12 lines 25-27).

22. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen in view of Eldridge as applied to claims 1 and 9 above, and further in view of U.S. Patent 6,128,661 by Flanagan et al. (Flanagan).

23. With respect to Claim 8, Haartsen in view of Eldridge teaches all the limitations of Claim 1 but does not explicitly disclose a menu for enabling either wireless IR or wireless RF communications link for performing the data transfer. Flanagan teaches a menu for selecting the type of communications link to be used for a data transfer (Col. 9 lines 29-50 and see Fig. 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Haartsen in view of Eldridge and modify it as indicated by Flanagan such that the method further comprises the steps of: presenting a menu to allow a selection for enabling a wireless RF communications link for performing the data transfer or enabling a wireless IR communications link for performing the data transfer; and performing the data transfer using the RF communications link or the IR communications link in accordance with the selection. One would be motivated to have this as there is need for the user to be able to choose the communications link to interact with another computing device (Col. 2 lines 5-18).

24. With respect to Claim 16, Haartsen in view of Eldridge teaches all the limitations of Claim 9 but does not explicitly disclose a menu for enabling either wireless IR or wireless RF communications link for performing the data transfer. Flanagan teaches a menu for selecting the type of communications link to be used for a data transfer (Col. 9 lines 29-50 and see Fig. 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Haartsen in view of Eldridge and modify it as indicated by Flanagan such that the first mobile computing device is configured to present a menu to allow a selection for enabling a wireless RF communications link for performing the data transfer or enabling a wireless IR communications link for performing the data transfer; and performing the data transfer using the RF communications link or the IR communications link in accordance with the selection. One would be motivated to have this as there is need for the user to be able to choose the communications link to interact with another computing device (Col. 2 lines 5-18).

Response to Arguments

25. Applicants' arguments filed 06/14/2004 have been fully considered but they are not persuasive.

26. Applicants argue - "...Eldridge discloses an interface that is for specific document transfers wherein the mobile devices have been previously identified, hierarchically prioritized and programmed for the specific purpose of transmitting documentation that is available on a wire-based network. This clearly teaches away from the present

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invention in which any of a variety of mobile computing devices, existing within communications range, are queried ad hoc at the time a data transfer is desired. The devices are then identified and a list is compiled and made available to an interface via which a user then can select a desired device for performing a data transfer. Thus, Applicant respectfully asserts that these references fail to teach or suggest embodiments recited in Claims 1 and 9."

- a. Applicants state that Eldridge teaches away since the devices within communication range are queried ad hoc. However, the claim language does not define the query to determine the group of devices within communications range as occurring ad hoc. Applicants also do not specifically cite in Eldridge what they consider as teaching away by Eldridge.

Furthermore, *In re Keller, Terry, and Davies*, 208 USPQ 871 (CCPA 1981) states "Test of obviousness is not whether features of a secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, test is what combined teachings of references would have suggested to those of ordinary skill in the art." As part of the rejection of Claim 1, Haartsen teaches the "broadcasting a query to determine a group of mobile computing devices within communications range" on Page 115 in the last paragraph of the Section 'Establishing connection'. This paragraph states that after the devices within communications range are identified, the device that made the query "can select a specific unit to page". This would be done, for example, to establish a

connection such that one could perform a data transfer as suggested in Box C on page 112 (3rd scenario in the left column). Obviously, an interface of some kind would have to exist to present the identified devices such that a specific one can be selected. Since Haartsen does not explicitly disclose the presentation of a list on the interface, Haartsen is combined with the teachings of Eldridge. Eldridge teaches presenting to a user on an interface, a list of computing devices within communications range on an interface with the user further being able to select from the list (Col. 7 lines 12-23 and lines 40-47 and Col. 11 lines 28-40). Eldridge also teaches the presentation of a confirmation (Col. 12 lines 25-27). As such, the examiner asserts the combined teachings of Haartsen and Eldridge would suggest the embodiments recited in Claims 1 and 9 of Applicants' invention and that Eldridge provides sufficient motivation for the combination.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

28. U.S. Patent 6,553,236 by Dunko et al. "On Demand location function for mobile terminal" April 22, 2003. Discloses listing on a mobile device interface of other online mobile devices associated with an affinity group. Communications can implemented through Bluetooth technology.

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29. Bennett et al. "Piconet: Embedded Mobile Network" IEEE Personal Communications, October 1997, pp. 8-15. Discloses an architecture for an ad hoc network.

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 703-305-4868. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro
August 18, 2004



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER